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PLAINTIFFS

DEFENDANTS

DYER CONSTRUCTION COMPANY, an  
Oklahoma Corporation

THE PRESCON CORPORATION, a  
Delaware Corporation

CAUSE

Breach of Contract

ATTORNEYS

James V. Collins  
R. L. Davidson, Jr.  
Robinson, Boese and Davidson  
P. O. Box 1046  
Tulsa, Oklahoma 74101  
583-1232

HOUSTON & KLEIN, INC.  
Ken Smith & David F. James  
900 Sooner Federal Bldg.  
Tulsa, OK 74103  
583-2131

☐ CHECK  
HERE  
IF CASE WAS  
FILED IN  
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PAUPERIS

FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JS-5

8-1-75

JS-6

1-1-77

DATE	NR.	PROCEEDINGS
7-10-75	1.	COMPLAINT filed, SUMMONS issued.jj
7-18-75		Summons, ret. & filed: served The Corporation Co., Ok. City on 7-14-75. (USM \$4.00)g
7-30-75	2.	Appl. and ORDER granting Deft. Prescon Corp. until 8-19-75, filed. v (JCS-clk)
8-15-75	3	Appl. of deft. for addl. time to answer, filed. g
8-18-75		Order, filed, (part of appl.)granting deft. 20 days from 8-19-75 to answer. (HDC-J)g
9-5-75	4.	Answer and Counterclaim of Deft. with <u>Jury Trial Demanded</u> , filed. v
9-5-75	5.	Deft.'s First Written Interrogatories to Pltf., filed. v
9-29-75	6	Pltf's appl. for 30 days from 10-5-75 to ans. written interrog., filed.
9-29-75	7	Pltf's appl. for 20 days from 9-25-75 to respond to deft's counterclaim, filed.k
9-30-75		Order, filed, granting pltf 30 days from 10-5-75 to answer interros. (HDC-J)g cpies mld.
9-30-75		Order, filed, granting pltf, 20 days from 9-25-75 to reply to deft's counterclaim. (HDC-J)g cpies mld.
10-15-75	8.	Reply to counterclaim, filed. hm
11-6	9.	Appl. of pltf. for Ext. of Time/ <sup>until 12-5-75</sup> to serve ans. to Int. propounded to pltf., filed.jj 0 to J
11-6	10.	Order, filed, granting pltf. addl. 30 days from 11-5-75 to serve cpies of answers to written interrogatories. (HDC-J)g cpies mld.
12-2	MO:	Case set for pre-trial hearing 1-9-76 at 3:30 p.m. (HDC-J)hm
12-6	11.	Appl. for ext. of time w/in which to serve answers to interros. propounded to Pltf., fld. v (o)
12-9	12.	Joint application for continuance of Pre-Trial, filed. ph
12-11	13	Order Permitting Continuance of Pre-Trial Conference, filed. (HDC-J)tc cps mld.
12-11	14	Ordered that Pltf. is granted until Dec. 12th, within which to serve copies of ans. to written interrog, filed. (HDC-J)tc cps. mld.
12-12	15.	Pltf's Answer to Interrog of Deft., filed.tc
1-28-76	MO:	Case set for PT hearing 4-13-76 at 2:00 p.m. (HDC-J)hm
2-12	16.	Deft's request for entry upon land and for prod., inspection and copying of documents, filed. ph
2-12	17.	Brief in support of deft's request for entry upon land and prod, inspection and copying of documents, filed. ph
2-25	18.	Mot. of Pltf. for lve. to file amendment to compl., fld. v (o) <del>(no amend.)</del>
2-26	MO:	Deft. directed to file resp. brief within 10 days to pltf's mo/leave to amend complaint. (HDC-J)hm
3-1	19.	Resp. Brief to Pltf's Mtn. to Amend Complaint, filed.jj
3-5	20.	Order granting leave to amend complaint, filed. (HDC-J)hm (copies mailed)
3-8	21.	Amended complaint, filed. hm

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-307</u>
Dyer Construction Co.		The Prescon Corp.	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
3-18-76	22	Pltf's. First written Interrog. to Deft., filed. t	
3-23	23.	Deft.'s answer to amended complaint w/ adoption of counterclaim filed previously on 9-5-75, filed. k	
4-12	24.	Deposition of Harvey Penshorn, taken 4-8-76 at San Antonio before JoAnne G. Price, Notary Public. Fee for Dep. \$319.80. filed. jj	
4-12	25	Appl. for Continuance of Pre-Trial, filed. 0-J t	
4-12	26	Order, filed, continuing pretrial until next regular pt docket. (HDC-J)	
4-13	27.	Notice to take depos. upon oral examination of VSL Corp. on 4-22-76 at 10:00 a.m. by deft, filed. ph (cert. copy taken by deft.)	
4-16	28.	Deft.'s appl. for time til 5-17-76 to ans. written interrog., filed. k	
4-16	29.	Ordered that deft. is granted add. 30 days from 4-17-76 to serve ans. of written interrogs. to pltf., filed. (HDC-J) ph cps mld	
4-26		Subpoena Duces Tecum for depos. ret & filed: Served VSL Corp. by serving John McCabe, on 4-20-76 at Grand Prairie, Texas. (USM \$6.80) ph	
5-4	MO:	Case set for PT hearing Thurs., June 10, 1976, at 11:30 a.m. (HDC-J) ph	
5-7		Deposition of John Thomas McCabe taken, filed. (Stanley, Harris, Rice & Assoc.-Ct. Reporters) ph Dallas, TX	
5-17	30.	Deft' appl. for ext. of time within which to ans. pltf's first written interrogs. propounded to deft., filed. ph	
5-18	MO:	It is ordered by the Court that the deft. is granted an addit. 10 days from 5-17-76 to serve Ans. of Written Interrogs. to Pltf. (HDC-J) ph ltr. mld.	
5-27	31.	Deft's ans. to first written interrogs. by pltf., filed. ph	
6-4		Deposition of Ronnie L. Graham taken on behalf of deft. before James C. Hickerson, C.S.R., with fees of \$151.50, filed. k	
6-10	MO:	Pre-trial hearing held. Statements made. PT memorandum, filed in open court. Parties withdraw request for jury trial & case to be tried to the Court. (EST-1½ days). Simultaneous briefs to be filed by 9-1-76; answer briefs by 9-11. Pltf. to file PT order by 7-9-76 and case set for non-jury trial 9-27-76 at 9:30 a.m. (HDC-J) hm	
6-10	32.	Pre-trial memorandum, filed in open court. hm	
6-17		Deposition of Russell Lester Price on behalf of pltf., filed. (\$166.74) (rec'd in unmarked envelope.) g	
7-12	33.	Pre-trial order, filed. ph	
8-26	34.	Joint appl. for ext. of time within which to file trial brief, filed. ph	
8-27	35.	Order, filed, that trial briefs by each party be extended to 9-7-76 and that responses thereto shall be filed by each party no later than 9-17-76. (HDC-J) ph cps mld	
9-7	36.	Amended Exhibit B, List of exhibits to be offered into evidence by pltf. at trial, filed. ph	
9-8	37.	Trial brief of deft., filed. ph	
9-8	38.	Trial brief of pltf., filed. rm	
9-13	39.	Amended Ex. D to pt order, filed. rm	
9-13	40.	Response of def. to pltf. amended Ex. B, filed. rm	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-307-C</u>
DYER CONSTRUCTION COMPANY		THE PRESCON CORPORATION	PAGE <u>4</u> OF <u>2</u> PAGES
DATE 1976	NR.	PROCEEDINGS	
9-17	41.	Deft's resp. to trial brief of pltf., filed. ph	
9-17	42.	Amended Exhibit A to Pre-trial order, filed. hm	
9-20	43.	Response brief of pltf. to def. trial brief, filed. rm	
9-23	--	Deposition of Loris L. Gerber taken in San Antonio, TX, filed. (\$59.10 pd by pltf.)ph	
9-27	--	Deposition of Tom Chaffin taken on 9-14-76 at Houston, TX, filed. ph (\$86.90 pd by pltf.) (L.C. Mullins-RPR)	
9-24		Return on subpoena, filed. Served F. Ivan Griffith on 9-22-76 in Tulsa, Ok. (Fees: \$2.00)hm	
9-24		Return on subpoena, filed. Served James A. Wilson on 9-22-76 in Tulsa, Ok. (Fees: \$2.72)hm	
9-28	MO:	Case tried to the Court Sept. 27 & 28, 1976. Parties announce ready. Rule invoked. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introduction of exhibits. With Court's approval & no obj. by pltf., certain admission of fact (n) of deft. in PT order allowed to be withdrawn. Pltf. offers into evidence depositions of Tom Chaffin & Loris L. Gerber, w/exhibits. Reading waived. Pltf. rests. Deft's mo/dismissal denied. Deft. presents case in chief w/test. of witnesses & introduction of exhibits & rests. Pltf. presents rebuttal evid. w/test. of witnesses & rests. Parties rest. Closing arguments made. Parties given 10 days to submit F/F & C/L, if desired, and case submitted for decision. (HDC-J)hm	
9-28		Trial exhibits, filed. hm (with file)	
9-29	44.	Motion of pltf. for admission of exhibit into evidence, filed. ph	
9-29	45.	Order, filed, granting pltf's ex. #38 to be admitted into evid. & into record. (HDC-J)hm (copies mailed)	
10-4	46.	Defs. post trial brief, filed. rm	
10-4	47.	Defs. proposed FF/CL, filed. rm	
10-8	48.	Pltf's proposed findings of Fact & Concl. of Law, filed. ph	
10-13	49.	Motion of pltf. to strike def. post trial brief, filed. rm	
10-14	50.	Order, filed, overruling pltf's motion to strike deft's post trial brief; pltf. is granted 10 days to file brief in resp. to post-trial brief of deft. (HDC-J)ph cps mld	
10-21	51.	Pltf. response to def. post-trial brief, filed. rm	
12-28	52.	Findings of Fact and Conclusions of Law, filed. (HDC-J)hm (copies mailed)	
12-28	53.	Judgment, filed and entered, that judgment is entered in favor of pltf. & against deft. & that total damages are entered in favor of pltf. in amt. of \$160,104.59 & against deft., w/int. at rate of 6% per annum from 1-31-75 to date of judgment & at rate of 10% per annum from date of judgment until paid; and that judgment is entered in favor of pltf. & against deft. on deft's counterclaim; & that pltf's request for atty. fees will be set for hearing at a later date. (HDC-J)hm (copies mailed)	
12-30	54	Pltf's application for taxation of attorney's fees as costs, filed.s	
12-30	55.	Bill of costs of pltf., filed; setting cost hearing for 1-5-77 at 10:00 a.m. ph	

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>75-C-307-C</u>
Dyer Construction	Prescon Corporation	PAGE <u>5</u> OF <u>    </u> PAGES

DATE	NR.	PROCEEDINGS
1-4-77	MO:	Case set for <sup>evid.</sup> hearing on award of atty's fees 3-3-77 at 11:00 a.m. (HDC-J)hm (notices mailed)
1-5		Cost hearing held before Clerk. Costs taxed in amt. of \$404.77 in favor of pltf. (JCS-Clk)rm
1-7	56.	Deft's Motion for new trial, filed. ph
1-7	57.	Brief in support of deft's motion for new trial, filed. ph
1-7	MO:	It is ordered by the Court that the pltf. file a resp. brief within 10 days to the Defendant's Motion for New Trial. (HDC-J)ph cps mld
1-14	58.	Pltf's appli. for ext. of time 'til 1-24-77 to respond to deft's mot. for new trial, filed. lm (o to J)
1-14	59.	Order, filed, that pltf. is granted until 1-24-77 to resp. to deft's mo/New Trial. (HDC-J)ph cps mld
1-31	60.	Pltf. response to def. mo/new trial and brief in support, filed. rm
2-25	61.	Motion of def. for cont. of hrg. set for 3/3/77, filed. rm
3-12	MO:	Ordered by the Court that def. mo/continuance of hearing on award of atty. fee is sustained. The pltf. is directed to file with the court w/copies to def., all supporting documents in regard to his claim for atty. fees, a list of all witnesses with a general summary of their testimony that will be presented and relied upon in support of the appl. for assessment of atty. fees, all of which shall be filed not later than 10 days from this date. (HDC-J)rm - letter and phoned
3-14	62.	Pltf's motion for assessment of attys fees as costs, filed. ph
3-14	63.	Brief in support of pltf's motion and appl. for assessment of attys fees, filed. ph
3-14	64.	Summary of witnesses testimony supportive of pltf's claim for atty fees, filed. ph
3-14	65.	Affidavit of R. L. Davidson, Jr., filed. ph
3-14	66.	Affidavit of James V. Collins, filed. ph
3-15	MO:	It is ordered by the Court that deft. file a resp. brief within 10 days to the pltf's motion for assessment of attys fees as costs, (HDC-J)ph cps mld
3-25	67.	Deft.'s brief in response to Pltf.'s mot. for assessment of atty.'s fees, fld. v
6-6	68.	Order, filed and entered, that motions of deft. to correct and/or modify FF/CL, to adopt addl. F&C and for new trial are overruled. (HDC-J)rm - copies mailed
6-6	69.	Order, filed, that pltf. counsel be awarded reasonable attys fees in the amt. of \$25,000. (HDC-J)rm-copies mailed
6-28	70.	Notice of appeal by def. from judg. of 12/28/76, and order overruling mo/new trial of 6/6/77, filed. rm (copies to counsel and USCA)
6-29	71.	Supersedeas bond (No. 02-45-70) in amt. of \$245,410 filed by pltf., with approval of Court. (HDC-J)rm - copy to deft. counsel
7-28	72.	Stipulation for retention of appeal record in District Court, filed. rm

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-307-C</u>
Dyer Construction		Prescon Corporation	PAGE ____ OF ____ PAGES

  

DATE	NR.	PROCEEDINGS
<u>1977</u>		
8-1	73.	Order, filed, extending time to file and docket appeal to 9/15/77. (HDC-J)rm-copies to counsel, USCA & ct. reporter
8-15	--	Reporter's transcript of proceedings, Volume I & Volume II, filed. ph
8-24		Letter, filed, assigning Circuit No. 77-1631. ra
8-29	--	Certificate of Clerk of D.C., transmittal letter and copy of docket entries transmitted to 10th Circuit pursuant to Rule 11(c), FRAP.rm (copies to counsel)
9-9	---	Orig. appeal record transmitted to appellant for briefing and then to be transmitted to 10th Circuit. rm
9-27	----	Orig. appeal record transmitted to USCA by appellant. rm
6-8-79	74.	MANDATE & OPINION of 10th Cir., affirming, filed and spread of record.rm
6/12	75.	SATISFACTION OF JUDGMENT. v
6-18	----	APPEAL RECORD recd. from 10th Cir. rm